

**ASSEMBLY BILL**

**No. 2986**

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**Introduced by Assembly Member Leno**

February 22, 2008

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An act to amend Section 13263 of the Water Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2986, as introduced, Leno. Waste discharge requirements.

Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the Porter-Cologne Water Quality Control Act (state act) and the federal Clean Water Act. The state act authorizes the state board or a regional board to prescribe general waste discharge requirements for a category of discharges if certain requirements are met.

This bill would make a technical, nonsubstantive change in that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 13263 of the Water Code is amended to
- 2 read:
- 3 13263. (a) The regional board, after any necessary hearing,
- 4 shall prescribe requirements as to the nature of any proposed
- 5 discharge, existing discharge, or material change in an existing
- 6 discharge, except discharges into a community sewer system, with

1 relation to the conditions existing in the disposal area or receiving  
2 waters upon, or into which, the discharge is made or proposed.  
3 The requirements shall implement any relevant water quality  
4 control plans that have been adopted, and shall take into  
5 consideration the beneficial uses to be protected, the water quality  
6 objectives reasonably required for that purpose, other waste  
7 discharges, the need to prevent nuisance, and the provisions of  
8 Section 13241.

9 (b) A regional board, in prescribing requirements, need not  
10 authorize the utilization of the full waste assimilation capacities  
11 of the receiving waters.

12 (c) The requirements may contain a time schedule, subject to  
13 revision in the discretion of the board.

14 (d) The regional board may prescribe requirements although no  
15 discharge report has been filed.

16 (e) Upon application by any affected person, or on its own  
17 motion, the regional board may review and revise requirements.  
18 All requirements shall be reviewed periodically.

19 (f) The regional board shall notify in writing the person making  
20 or proposing the discharge or the change therein of the discharge  
21 requirements to be met. After receipt of the notice, the person so  
22 notified shall provide adequate means to meet the requirements.

23 (g) No discharge of waste into the waters of the state, whether  
24 or not the discharge is made pursuant to waste discharge  
25 requirements, shall create a vested right to continue the discharge.  
26 All discharges of waste into waters of the state are privileges, not  
27 rights.

28 (h) The regional board may incorporate the requirements  
29 prescribed pursuant to this section into a master recycling permit  
30 for either a supplier or distributor, or both, of recycled water.

31 (i) The state board or a regional board may prescribe general  
32 waste discharge requirements for a category of discharges if the  
33 state board or that regional board finds or determines that all of  
34 the following criteria apply to the discharges in that category:

35 (1) The discharges are produced by the same or similar  
36 operations.

37 (2) The discharges involve the same or similar types of waste.

38 (3) The discharges require the same or similar treatment  
39 standards.

1     (4) The discharges are more appropriately regulated—under  
2     *pursuant to* general discharge requirements than individual  
3     discharge requirements.

4     (j) The state board, after any necessary hearing, may prescribe  
5     waste discharge requirements in accordance with this section.

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